

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	No. 03-10370-DPW
	)	
	)	VIOLATIONS:
	)	21 U.S.C. § 846 -
v.	)	Conspiracy to Possess
	)	With Intent to Distribute
1. DOUGLAS BANNERMAN,	)	And to Distribute Marijuana
2. KURT WALTER,	)	
(a/k/a "Cort")	)	
3. GARY NEWELL,	)	
4. DANIEL MACAULEY,	)	
5. JOHN MCCARTHY,	)	
6. JOHN GRAHAM,	)	
(a/k/a "JG" or "G-Man"),	)	
7. SCOTT MYERS,	)	
8. JOSE VEZGA, and	)	
9. FRANK GIGLIO,	)	
	)	
Defendants.	)	

**THIRD SUPERSEDING INDICTMENT**

**COUNT ONE:** (21 U.S.C. § 846 - Conspiracy to Possess With  
Intent To Distribute and to Distribute Marijuana)

The Grand Jury charges that:

From a date unknown to the Grand Jury, but no later than in  
or about August, 2000, continuing until on or about December 1,  
2003, at Boston, Somerville, Cambridge, Rockport, and elsewhere,  
in the District of Massachusetts, and elsewhere,

**9. FRANK GIGLIO,**

defendant herein, knowingly and intentionally combined,  
conspired, and agreed with others known and unknown to the Grand  
Jury, to possess with intent to distribute and to distribute  
marijuana, a Schedule I controlled substance, in violation of  
Title 21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy involved 100 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance. Accordingly, 21 U.S.C. § 841(b)(1)(B)(vii) is applicable to this count.

All in violation of Title 21, United States Code, Section 846.

**CRIMINAL FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of committing the offense alleged in Count One of this indictment, in violation of 21 U.S.C. §846 and 841(b) (1) (B) (conspiracy to possess with intent to distribute and to distribute marijuana):


**9. FRANK GIGLIO,**

defendant herein, if convicted, shall forfeit to the United States, pursuant to 21 U.S.C. §853: (1) any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the charged offenses; and (2) any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense.

All in accordance with Title 18, United States Code, Section 853 and Rule 32.2(a), Federal Rules of Criminal Procedure.

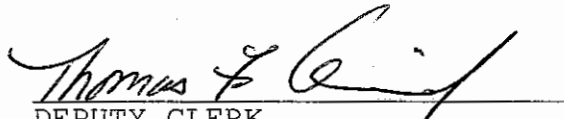
A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
RACHEL E. HERSHFANG  
PETER K. LEVITT  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; September , 2005.

Returned into the District Court by the Grand Jurors and  
filed.

  
DEPUTY CLERK  
9/8/05 1:25pm

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County SuffolkSuperseding Ind./ Inf. X Case No. 03-10370-DPW

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 03-0454-RBCSearch Warrant Case Number 03-0455-61, 0477, 0479-84-RBC

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name Frank Giglio Juvenile: ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birthdate: \_\_\_\_\_ SS # \_\_\_\_\_ Sex: Male Race: White Nationalit \_\_\_\_\_Defense Counsel if known: Martin Weinberg Address \_\_\_\_\_

Bar Number \_\_\_\_\_

**U.S. Attorney Information:**AUSA Rachel E. Hershfang Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☒ Regular Process In Custody**Location Status:**

Arrest Date \_\_\_\_\_

Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_

☐ Already in State Custody at \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☒ On Pretrial Release: Ordered by: \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: September 8, 2005Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Frank Giglio

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 846</u>	<u>Conspiracy to possess with intent to distribute</u> <u>Marijuana</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: \_\_\_\_\_